

INITIAL STUDY

1. Project Title: Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region
2. Lead agency name and address:
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403
3. Contact person and phone number: Ben Kor,
(707) 576-2220
4. Project location: All or parts of Marin, Sonoma, Mendocino, Lake, Glenn, Humboldt, Del Norte, Trinity, Siskiyou, and Modoc Counties
5. Project sponsor's name and address:
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Suite A, Santa Rosa, CA 95403
6. General plan designation: n/a 7. Zoning: n/a
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Interim Categorical Waiver
for Discharges Related to
Timber Operations
in the
North Coast Region

The North Coast Regional Water Quality Control Board (Regional Water Board) is responsible for regulating waste discharges from timber harvesting activities that could affect the quality and beneficial uses of waters in the North Coast Region. As a responsible agency, the Regional Water Board annually reviews hundreds of proposed timber operation plans that are submitted to the California Department of Forestry and Fire Protection (CDF), which is the State management agency responsible for plan approvals on non-federal lands. The Regional Water Board also reviews federal timber sales proposed by the U.S. Forest Service on public lands. This project involves the adoption and implementation of an Order waiving waste discharge requirements and providing general waste discharge requirements for discharges associated with timber operations on non-federal lands and those public lands managed by the US Forest Service. Any such waiver would be conditional and could be terminated at any time by the Regional Water Board. The Regional Water Board determines that timber operations conducted in compliance with the waiver described in this policy will not adversely affect the quality of or the beneficial uses of the waters of the State, and will not be against the public interest pursuant to California Water Code (CWC) Section 13269.

The project authorizes discharges associated with timber operations to proceed in compliance with the CWC. These activities encompass federal lands managed by the US Forest Service and non-federal lands managed by CDF.

Land uses associated with timber production combined with abundant water resources has led to the Regional Water Board being active in regulating discharges from logging, construction and associated activities since 1972. The North Coast Region includes 12 percent of the State's land area, yet produces 40 percent of the State's total runoff and includes approximately 45 percent of the private timber harvested within the State. The extensive timber harvesting in watersheds supporting abundant stream resources has a direct influence on water quality and beneficial uses

of water throughout the North Coast Region.

California Department of Forestry Timber Harvest Plan Process

Under state law, lands zoned for timberland production are restricted to growing and harvesting timber and to compatible uses (Government Code Section 5110 et seq.). In enacting the Forest Practices Act (FPA), California PRC Sections 4511 et seq., the California legislature declared an intent to ensure that, where feasible, the productivity of timberlands is restored, enhanced, and maintained. Furthermore, the goal of maximum sustained production of high-quality timber products is to be achieved while considering values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment (Pub. Res. Code Section 4513).

The process of regulating timber harvesting on private and state-owned lands in California occurs under the FPA of 1973 and CEQA. The nine-member Board Of Forestry (BOF) adopts regulations under authority of the FPA, and CDF administers those rules. In 1975, the courts and the Attorney General found that CDF's approval of timber harvest plans (THPs) were subject to the requirements of the California Environmental Quality Act (CEQA), thus requiring analysis of environmental impacts of proposed timber operations in an environmental document (typically, in environmental impact reports, or EIRs). These events caused California's Resources Agency to issue emergency regulations which established the current timber harvest plan review team process (14 CCR 1037.5) and certified it as functionally equivalent to the EIR process [14 CCR 15251(a)]. The Regional Water Board staff is identified as members of the interdisciplinary CDF Review Team.

The FPA is intended to regulate timberlands to achieve two goals: to enhance, restore, and maintain the productivity of timberland wherever feasible, and to achieve maximum sustained production of high-quality timber while giving consideration to values relating to recreation, watersheds, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment. CEQA and the FPRs require that CDF not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. The applicant must disclose and identify the significant effects of a project for state agency and public review. A substantially unmitigated adverse effect on a listed endangered species would be a significant effect under CEQA. The FPA emphasizes decision-making based on special rules. CEQA, in contrast, emphasizes case-by-case, open-ended analysis of proposed projects based on potential environmental impacts as offset or lessened by project alternatives and mitigation measures. The review of THPs is a melding of the two processes and has been certified to use a functional equivalent for complying with CEQA (Pub. Res. Code Section 21080.5; 14 California Code of Regulations 15251[a]). The foundation for the regulation of forest practices on non-federal lands in California is the FPRs. Due to the variety of individual circumstances of timber harvesting in California, the FPRs are not strictly prescriptive. Flexibility is allowed to cover a wide variety of site-specific circumstances. However, the underlying principle and goal are to achieve the timber harvesting objective without causing a significant adverse impact to any forest resource. CDF encourages the registered professional forester (RPF) to seek input from knowledgeable fishery biologists when preparing plans. In reviewing individual THPs, CDF complies with the FPA, the FPRs, and CEQA through its certified functional equivalent program. Under the FPA, a THP must be prepared and signed by an RPF and submitted to CDF for review and approval for each timber harvest. CDF foresters examine each THP and determine whether the plan may have a significant impact on the environment and is in compliance with the FPA, CEQA, and other

state and federal laws.

The timber harvest review team membership is composed of representatives of the California Department of Forestry (CDF), Department of Fish and Game (DFG), California Geological Survey (CGS) and the Regional Water Board. Other agencies may participate in the review team, including the Department of Parks and Recreation, National Park Service, and County Planning Departments. The CDF chairs the review team and makes the final decisions on the logging procedures included in the THPs. The other agencies are limited strictly to advisory roles. As set forth in Forest Practice Rule 1037.5, the function of the review team is “to assist the [CDF] Director in determining if [THPs] are in conformance with [the Board of Forestry] rules and to evaluate the potential environmental impacts of timber operations.” The other agencies may non-concur with the review team in writing and may appeal CDF’s decision to the BOF.

A THP must include a description of the site to be harvested, the types of timber operations to be conducted, and the mitigation measures to be used consistent with BOF’s rules and other applicable laws. Information concerning silvicultural systems, yarding methods, reforestation methods, erosion control methods, stream protection, cultural and historical resources, road building, and erosion hazard potential and erosion control measures must be included in the THP. The RPF must conduct a field investigation to apply the rules with respect to watercourse classification and protection measures, location of sensitive terrain, and development of appropriate mitigation measures or alternatives. Each THP is subject to a pre-harvest inspection during the review process. The THP is also subject to public review. CDF considers all comments by the agencies and the public, and prepares a written response to comments before making a decision on the THP. Most THPs have mitigation measures applied before final approval.

Pursuant to the Clean Water Act Section 208, the State Water Resources Control Board has adopted a management agency approach for controlling discharges from timber operations to waters of the State. The Regional Water Board, CDF and the Board of Forestry (BOF) have the direct authority, responsibility, staffing resources and expertise to require that land use practices on timber harvest plans are implemented, enforced and evaluated. Under the Management Agency approach, the State and Regional Water Boards have much to gain by obtaining the commitment and cooperation of CDF and the BOF to act as our partners in controlling discharges of waste from timber operations which they directly regulate. These benefits include:

1. Streamlining the regulatory process by avoiding duplicative regulatory requirements
2. Providing formal recognition to the programs of CDF and BOF as being part of the State’s nonpoint source program for controlling pollution and protecting the quality and beneficial uses of the State’s waters.
3. Reducing the level of resources needed by State and Regional Water Boards in controlling discharges from timber operations.
4. Minimizing the expense to the public for review of THPs.

On January 21, 1988, the State Water Board approved a Management Agency Agreement (MAA) that designates the BOF and the CDF as joint management agencies for timber operations on nonfederal lands within the State.

US Forest Service Timber Sale Review Process

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981.

The State Water Resources Control Board has certified and the US Environmental Protection Agency has approved, pursuant to section 208 of the Federal Water Pollution Control Act, the "Water Quality Management for National Forest Lands in California" as being Best Management Practices (BMPs) and the US Forest Service as the implementing agency. The US Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management For National Forest System Lands in California," maintains a water quality program consistent with the North Coast Regional Water Quality Control Plan, and includes a plan verification system to ensure consistent implementation, inspection, surveillance, enforcement and monitoring of BMPs.

State and Regional Water Boards Three-Tiered Non Point Source Control Process

The State and Regional Water Boards has a three-tiered process for controlling nonpoint source pollution. In the first tier, where we have a MAA, the Regional Water Board staff participates with CDF and BOF in the timber harvest plan review team process to implement management practices for the protection of water quality. Such participation is in lieu of taking regulatory action under our own water code authority. Where water quality problems are caused by timber harvest operations, staff seeks to exhaust the remedies available through CDF and/or BOF before taking regulatory action under the authority of the water code.

In the second tier, where management practices prescribed under the timber harvest review team process may not be protective of water quality, the Regional Water Board staff can require the discharger to submit technical and/or monitoring reports which the discharger will use to control nonpoint source pollution.

Where implementation of the second tier does not achieve compliance with the Water Quality Control Plan, the third tier may be implemented. Under this tier, the Regional Water Board regulates the activity that is generating nonpoint source pollution directly under the authority of the Water Code.

The language which is proposed for adoption as Order No. R1-2002-0109 is attached as Appendix 1.

9. Surrounding land uses and setting: Briefly describe the project' s surroundings:

The interim waiver Order would govern waste discharges resulting from timber harvesting activities throughout the North Coast Region, with the exception of those covered by specific waste discharge requirements. The North Coast Region of California is comprised of about 25,000 square miles of land, a significant portion of which is forestland. Surrounding land uses include irrigated agriculture, dry farming, and recreation.

The North Coast Region includes 12 percent of the State' s land area produces 40 percent of the State' s total runoff, and includes approximately 45 percent of the private timber harvested within the State. Significant timber harvesting activities also occurs on public lands managed by the

US Forest Service on the Mendocino National Forest, Six Rivers National Forest, Klamath National Forest, Shasta-Trinity National Forest, and minor areas of other National forest lands.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Projects must often obtain permits from local, state, and/or federal permitting agencies prior to receiving the waiver of waste discharge requirements covered under this proposed Order. On private timberlands, the CDFG is the lead agency for issuing permits to timberland owners and operators harvesting timber within the region. On lands managed by the US Forest Service, approval to conduct timber harvesting activities is only granted by the US Forest Service after preparing environmental documents to comply with the National Environmental Policy Act (NEPA).

The California Endangered Species Act also requires measures to minimize and fully mitigate the impacts on endangered species, as does other requirements of the California Department of Fish and Game (CDFG). For example, Fish and Game Code Section 1603 generally prohibits persons from substantially diverting or obstructing the natural flow or substantially changing the bed, channel, or bank of any river, stream, or lake designated by CDFG, or from using any material from the streambeds, unless they have first notified CDFG of the activity. All rivers, streams, and lakes in California have been designated by CDFG, pursuant to California Code of Regulations, Title 14, Section 720. In addition, Section 1603 generally prohibits persons from commencing any activity affected by Section 1603 until CDFG has found that the activity will not substantially adversely affect an existing fish or wildlife resource, or until CDFG proposals, or the decisions of a panel of arbitrators assembled pursuant to procedures set forth in Section 1603, have been incorporated into the activity. CDFG enters into lake or streambed alteration agreements (1603 Agreements) with those persons who notify CDFG of their proposed activities pursuant to Section 1603 in cases where CDFG determines the activities may substantially adversely affect an existing fish or wildlife resource. A 1603 Agreement sets forth the proposals that CDFG and the notifying person agree will be incorporated into the proposed activities. Upon execution of a 1603 Agreement, the notifying person may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by CDFG or use any material from the streambeds, so long as the activities are conducted in accordance with the terms of the 1603 Agreement. Section 1603 authorizes CDFG to enter into 1603 Agreements for a term not to exceed five years for performance of the proposed activities. In accordance with Section 1603, a 1603 Agreement will renew automatically upon the expiration of its term, unless CDFG determines that there has been a substantial change in conditions.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |

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- | | | |
|--|---|---|
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓

Finding: Less than significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements. Specific timber harvesting activities could have aesthetic impacts. For timber harvesting activities on private and State lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (CFPRs). For timber harvesting activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

Subchapter 2, Article 1, Section 896 of the CFPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981. For the protection of water quality, the Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management for National Forest System Lands in California" and the Management Agency Agreement Between the State Water Resources Control Board and the Forest Service.

The adoption of a Regional Water Board interim waiver Order and the subsequent issuance of waivers for timber harvesting activities will further mitigate any impacts by prohibiting the creation of nuisance conditions.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

✓

✓

✓

Finding: No Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to waste discharge requirements or a waiver thereof. Timber harvesting activities will only occur at locations that have obtained all applicable land use entitlements. This project will not alter the need to comply with land use requirements.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

✓

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

✓

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

✓

d) Expose sensitive receptors to substantial pollutant concentrations?

✓

e) Create objectionable odors affecting a substantial number of people?

✓

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements. Specific timber harvesting activities may generate dust emissions as the result of road and trail construction and use, and the construction of landings and pads. Nitrogen oxides (NOx) and sulfur oxides (SOx) will be emitted during timber harvesting activities, including from use of heavy equipment engines. In general, timber harvesting activities are conducted at locations removed from populated areas, in areas dispersed across the landscape. The environmental reviews conducted by CDF for non-federal lands and the US Forest Service for public lands addresses emissions from timber harvesting activities. Any emissions are likely to dissipate before reaching objectionable levels. No other air pollutant discharges are anticipated. For timber harvesting activities on non-federal lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (CFPRs). For timber harvesting activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

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“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981. For the protection of water quality, the Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management for National Forest System Lands in California" and the Management Agency Agreement Between the State Water Resources Control Board and the Forest Service.

The adoption of a Regional Water Board Order with categorical waivers of waste discharge requirements for timber harvesting activities will further mitigate any impacts, as such waiver is conditioned on compliance with the provisions of the North Coast Region Water Quality Control Plan, including water quality objectives, prohibitions, and related provisions as detailed in Appendix 2 to this Initial Study.

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

✓

✓

✓

✓

✓

✓

Finding: Less-than-significant Impact. This project will not determine whether an activity is undertaken, but whether the activity would be subject to a waiver of waste discharge requirements. Timber operations are subject to rigorous environmental impact evaluation and mitigation by the established processes used in planning those activities by the CDF and U.S. Forest Service. In combination, the categorical waivers and existing regulatory process assure that impacts from timber operations on biological resources, individually or cumulatively, will be less than significant.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ✓
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ✓
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ✓
- d) Disturb any human remains, including those interred outside of formal cemeteries? ✓

Finding: No Impact. Implementation of this project will preclude adverse impacts on cultural or historical resources. If timber harvesting activities proposed for waiver of waste discharge requirements is determined to have the potential to adversely affect cultural or historical resources, it will not qualify for a waiver and will be subject to further review for alternative regulation by the Regional Water Board.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ✓
 - ii) Strong seismic ground shaking? ✓
 - iii) Seismic-related ground failure, including liquefaction? ✓
 - iv) Landslides? ✓
- b) Result in substantial soil erosion or the loss of topsoil? ✓

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

✓

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

✓

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

✓

Finding: Less-than-significant Impact.

- b). Specific timber harvesting activities could cause substantial soil erosion or the loss of topsoil if appropriate prevention or mitigation measures are not implemented. Prevention and/or mitigation measures are prescribed for specific timber harvesting activities on non-federal lands as part of the Timber Harvest Plan Review Team Process, and on federal lands as part of the federal timber sales review process. This project will provide additional assessment of soil erosion as part of the determination of potential impacts of earthen discharges to waters of the region. For timber harvesting activities on non-federal lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (CFPRs). For timber harvesting activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

Subchapter 2, Article 1, Section 896 of the CFPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981. For the protection of water quality, the Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management for National Forest System Lands in California" and the Management Agency Agreement Between the State Water Resources Control Board and the Forest Service.

In combination, the existing timber harvest plan approval processes along with these categorical waivers assure that impacts from timber operations on excess erosion, individually or cumulatively, will be less than significant. The adoption of a Regional Water Board Order with categorical waivers of waste discharge requirements for timber harvesting activities will further mitigate any impacts, as such waiver is conditioned on compliance with the provisions of the North Coast Region Water Quality Control Plan, including water quality objectives, prohibitions, and related provisions as detailed in Appendix 2 to this Initial Study.

VII. HAZARDS AND HAZARDOUS
MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

✓

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

✓

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

✓

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

✓

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

✓

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

✓

g) Impair implementation of or physically interfere with an adopted emergency response

plan or emergency evacuation plan?

✓

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

✓

Finding: No Impact. The Timber Harvest Plan Review Team Process and the federal timber sales review process prohibit the creation of hazards and the discharge of hazardous wastes for timber harvesting activities. This project prohibits the discharge of hazardous waste.

VIII. HYDROLOGY AND WATER QUALITY

-- Would the project:

a) Violate any water quality standards or waste discharge requirements?

✓

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which general waste discharge requirements have been granted)?

✓

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

✓

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

✓

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

✓

f) Otherwise substantially degrade water quality?

✓

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

✓

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

✓

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?



j) Inundation by seiche, tsunami, or mudflow?



Finding: Less-than-significant Impact.

The following discussion applies to c through f.

Specific timber harvesting activities could alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in erosion or siltation on- or off-site, flooding on- or off-site, provide additional sources of polluted runoff, or otherwise affect water quality if appropriate prevention or mitigation measures are not implemented. Prevention and/or mitigation measures are prescribed for specific timber harvesting activities on non-federal lands as part of the Timber Harvest Plan Review Team Process, and on federal lands as part of the federal timber sales review process. This project will provide additional assessment of siltation, nuisance flooding, pollution runoff, and related discharges as part of the determination of potential impacts of from timber operations to waters of the region. For timber harvesting activities on non-federal lands, any such impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (CFPRs). For timber harvesting activities on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

Subchapter 2, Article 1, Section 896 of the CFPRs states:

“(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered professional Foresters (RPFs) in preparing Timber Harvest Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102, and 51115.1 of the Government Code.

“It is the Board’s intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 In recognition of the certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in the existing rules, matters should be referred to the Board as otherwise specified in these rules.

“(b) The provisions of this subchapter shall be applied in all forest districts.”

In accordance with the above, and as a requisite for approval by CDF, each timber operation will incorporate mitigation measures to reduce any impact to a less than significant level.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981. For the protection of water quality, the Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management for National Forest System Lands in California" and the Management Agency Agreement Between the State Water Resources Control Board and the Forest Service.

Further mitigations are required to obtain waivers of waste discharge requirements, which will add additional protection measures that address discharges which could affect water quality. The adoption of a Regional Water Board Order with categorical waivers of waste discharge requirements for timber harvesting activities will further mitigate any impacts, as such waiver is conditioned on compliance with the provisions of the North Coast Region Water Quality Control Plan, including water quality objectives, prohibitions, and related provisions as detailed in Appendix 2 to this Initial Study.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?



b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?



c) Conflict with any applicable habitat conservation plan or natural community conservation plan?



Finding: No Impact. Timber harvesting activities will occur in areas in which applicable land use entitlements have already been obtained. Implementation of this project will not result in conflict with any applicable land use plan, policy or regulation, habitat conservation plan or natural community plan. The project will not result in the division of an established community.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?



b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan



or other land use plan?

Finding: No Impact. This project will not affect mineral resources.

XI. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above existing pre-project levels?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing pre-project levels?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

✓

✓

✓

✓

✓

✓

Finding: Less-than-significant Impact.

d) Specific timber harvesting activities could result in a substantial temporary increase in ambient noise levels above existing pre-operation levels. This project will prohibit noise level increases that cause nuisance conditions.

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

✓

✓

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?



Finding: No Impact. This project will have no impacts on population or housing. Timber harvesting activities would not directly or indirectly induce population growth, displace any existing housing or job supply.

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?



Police protection?



Schools?



Parks?



Other public facilities?



Finding: No Impact. This project will have no impacts on public services. Timber harvesting activities will neither increase the number of structures, require additional public services, nor require new governmental facilities.

XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?



- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?



Finding: No Impact. This project will have no impacts on recreation. Timber harvesting activities do not include recreational facilities and will not increase the use of any recreational facility.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

✓

✓

✓

✓

✓

✓

✓

Finding: Less-than-significant Impact. Specific timber harvesting activities may result in changes in traffic patterns and volumes on specific roadways. This project will prohibit the creation of nuisance conditions.

XVI. UTILITIES AND SERVICE SYSTEMS
Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and

✓

✓

✓

✓

resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

✓

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

✓

g) Comply with federal, state, and local statutes and regulations related to solid waste?

✓

Finding: No Impact. Timber harvesting activities will not adversely impact utilities and service systems. This project will have no impact on utilities and service systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

✓

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

✓

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

✓

Finding: Less than significant Impact.

This project involves the adoption and implementation of a policy for waiving waste discharge requirements for discharges associated with timber operations on non-federal lands and federal lands managed by the US Forest Service. Any such waiver would be conditional and could be terminated at any time by the Regional Water Board. The Regional Water Board determines that timber operations

conducted in compliance the waiver described in this policy will not adversely affect the quality of or the beneficial uses of the waters of the State, and will not be against the public interest pursuant to California Water Code (CWC) Section 13269. In addition to the environmental protection afforded by the adoption of this policy, the Regional Water Board will continue to rely on the environmental safeguards provided through the existing State and federal timber harvest activity review processes.

For timber operations on private and State lands, impacts must be addressed and mitigated in accordance with the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules (CFPRs). For timber operations on federal lands, impacts must be addressed and mitigated in accordance with the federal timber sales review process in accordance with NEPA.

The timber harvest review team membership is composed of representatives of the California Department of Forestry (CDF), Department of Fish and Game (DFG), California Geological Survey (CGS) and the Regional Water Board. Other agencies may participate in the review team, including the Department of Parks and Recreation, National Park Service, and County Planning Departments. The CDF is the lead agency and makes the final decisions on the logging procedures included in the THPs. The other agencies are limited strictly to advisory roles. As set forth in Forest Practice Rule 1037.5, the function of the review team is "to assist the [CDF] Director in determining if [THPs] are in conformance with [the Board of Forestry] rules and to evaluate the potential environmental impacts of timber operations."

Pursuant to the Clean Water Act Section 208, the State Water Resources Control Board has adopted a management agency approach for controlling discharges from timber operations to waters of the State. The Regional Water Board, CDF and the Board of Forestry (BOF) have the direct authority, responsibility, staffing resources and expertise to require that land use practices on timber harvest plans are implemented, enforced and evaluated. On January 21, 1988, the State Water Board approved a Management Agency Agreement (MAA) that designates the BOF and the CDF as joint management agencies for timber operations on nonfederal lands within the State.

The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981. The State Water Resources Control Board has certified and the US Environmental Protection Agency has approved, pursuant to section 208 of the Federal Water Pollution Control Act, the "Water Quality Management for National Forest Lands in California" as being Best Management Practices (BMPs) and the US Forest Service as the implementing agency. The US Forest Service implements "Best Management Practices" and procedures for protection of water quality as identified in the document entitled "Water Quality Management For National Forest System Lands in California," maintains a water quality program consistent with the North Coast Regional Water Quality Control Plan, and includes a plan verification system to ensure consistent implementation, inspection, surveillance, enforcement and monitoring of BMPs.

The State and Regional Water Boards have a three-tiered process for controlling nonpoint source pollution. In the first tier, under the provisions of a MAA, the Regional Water Board staff participates with CDF and BOF in the timber harvest plan review team process to implement management practices for the protection of water quality. Such participation is in lieu of taking regulatory action under Water Code authority. Where water quality problems are caused by timber harvest operations, Regional Water Board staff seeks to exhaust the remedies available through CDF and/or BOF before taking regulatory action under the authority of the Water Code.

In the second tier, where management practices prescribed under the timber harvest review team process may not be protective of water quality, the Regional Water Board staff can require the discharger to

submit technical and/or monitoring reports which the discharger will use to control nonpoint source pollution.

Where implementation of the second tier does not achieve compliance with the Water Quality Control Plan, the third tier may be implemented. Under this tier, the Regional Water Board regulates the activity that is generating nonpoint source pollution directly under the authority of the Water Code.

The Regional Water Board has determined that when taken together, implementation of this project (Policy for Waiving Waste Discharge Requirements for Specific Types of Waste Discharges Related to Timber Operations on Non-federal lands in the North Coast Region) and the existing waste discharge control measures contained in State water Resources Control Board e and Regional Water Board plans and policies will, in combination with the existing timber harvest activity review processes for activities on non-federal and federal lands, mitigate environmental impacts to a less than significant impact level. The adoption of a Regional Water Board Order with categorical waivers of waste discharge requirements for timber harvesting activities will further mitigate any impacts, as such waiver is conditioned on compliance with the provisions of the North Coast Region Water Quality Control Plan, including water quality objectives, prohibitions, and related provisions as detailed in Appendix 2 to this Initial Study.